

## HOUSE BILL No. 1083

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-3-2-3.

**Synopsis:** Fire special service district. Allows the Indianapolis and Marion County city-county council to adopt an ordinance expanding a fire protection district if it determines that the consolidated city can provide reasonable and adequate fire protection service within the additional territory and that expansion of the district is in the public interest. Eliminates the prerequisite that a petition be filed with the department of metropolitan development by landowners.

**Effective:** July 1, 2004.

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January 13, 2004, read first time and referred to Committee on Local Government.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## HOUSE BILL No. 1083

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 36-3-2-3 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) A special service district of  
3 the consolidated city:

4           (1) may sue and be sued;

5           (2) may exercise powers of the consolidated city to the extent that  
6           those powers are delegated to it by law, but may not issue bonds;  
7           and

8           (3) shall provide services to property owners only in the district,  
9           unless a law provides otherwise.

10       (b) A special service district or special taxing district shall be  
11       administered under the jurisdiction of a department of the consolidated  
12       city. The territory of a special service district or special taxing district  
13       may be expanded, in the manner prescribed by law, to include territory  
14       inside the county that is not originally included in the district. The  
15       city-county legislative body may, by ordinance, expand the territory of  
16       a special service district, subject to the following conditions:

17           (1) In the case of the fire district, ~~the ordinance may not be~~

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considered unless a petition to include additional territory in the district is first submitted to the metropolitan development commission for study and recommendation. The petition must be signed by a majority of the landowners, or by owners of land amounting to seventy-five percent (75%) in assessed valuation, in the proposed additional territory. After receiving the petition, the metropolitan development commission shall make findings of fact and recommendations and serve copies of these on the fire chief, the executive of each township affected, and the petitioners at least thirty (30) days before a public hearing before the legislative body. After the public hearing, the legislative body **must hold a public hearing and then** may pass the ordinance only if it determines:

(A) that reasonable and adequate fire protection service can be provided within the additional territory by the consolidated city; and

(B) that expansion of the district is in the public interest.

(2) In the case of the police district, the legislative body must hold a public hearing and then may pass the ordinance only if it determines:

(A) that reasonable and adequate police protection can be provided within the additional territory by the consolidated city; and

(B) that expansion of the district is in the public interest.

(3) In the case of the solid waste collection district, the ordinance may not be considered unless a petition to include additional territory in the district is first submitted to the works board for study and recommendation. The petition must be signed by at least ten (10) interested residents in the proposed additional territory. After receiving the petition, the works board shall set a date for a public hearing, publish notice of the hearing in accordance with IC 5-3-1, and upon hearing the matter determine whether the territory should be added to the district. If the works board recommends that the territory should be added to the district, the legislative body must hold a public hearing and then may pass the ordinance. Territory in the solid waste collection district may also be removed from the district in the manner prescribed by this subdivision.

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